

ORDINANCE NUMBER 1316

Final Publication Number 3171. First Publication in the Chronicle on July 31, 2008.

City of Cambridge

In the Year Two Thousand and Eight

AN ORDINANCE

In amendment to the Ordinance entitled “Zoning Ordinances of the City of Cambridge”

A. Amend the Zoning Map of the City of Cambridge as Follows:

Extent the boundaries of the Massachusetts Avenue Overlay District to encompass the entire portion of lots, where some portion of a lot located in the Business C zoning district is located within a residential zoning district. In no instance shall the extent of the Overlay District be reduced below its current extent. The amended map shall include but not be limited to the following lots:

- | | |
|------------------------------------|---------------|
| 1. 1-7 Arlington Street. | Lot # 177-55 |
| 2. 1826 Massachusetts Avenue | Lot # 177-71 |
| 3. 15 Mt. Vernon Street | Lot # 177-78 |
| 4. 1868 Massachusetts Avenue | Lot # 177-34 |
| 5. 9 Upland Road | Lot # 178-92 |
| 6. 15 Upland Road | Lot # 178-93 |
| 7. 17-19 Upland Road | Lot # 178-94 |
| 8. 23 Upland Road | Lot # 178-102 |
| 9. 27 Upland Road | Lot # 178-102 |
| 10. 31 Upland Road | Lot # 178-99 |
| 11. 35 Upland Road | Lot # 178-100 |
| 12. 43 Upland Road | Lot # 178-104 |
| 13. 1-16 Richdale Avenue | Lot # 178-52 |
| 14. 1900-1912 Massachusetts Avenue | Lot # 178-133 |
| 15. 6 Porter Road | Lot # 178-80 |
| 16. 1924 Massachusetts Avenue | Lot # 178-21 |
| 17. 1950 Massachusetts Avenue | Lot # 178-118 |
| 18. 1 Porter Park | Lot # 178-64 |
| 19. 3-5 Porter Park | Lot # 178-108 |
| 20. 1960 Massachusetts Avenue | Lot # 178-117 |
| 21. 78-80 Porter Road | Lot # 178-107 |
| 22. 12 Regent Street | Lot # 178-16 |
| 23. 12-14 Creighton Street | Lot # 200-45 |

24. 2028 Massachusetts Avenue	Lot # 200-68
25. 1979 Massachusetts Avenue	Lot # 179-52
26. 1963-1975 Massachusetts Avenue	Lot # 179-51
27. 1933-1957 Massachusetts Avenue	Lot # 179-42
28. 1-15 Davenport Street	Lot # 179-74
29. 1900 Massachusetts Avenue	Lot # 178-33 (“T” pedestrian access lot)

B. Amend the Text of the Zoning Ordinance of the City of Cambridge as Follows:

In Section 20.100 – Massachusetts Avenue Overlay District, amend the text to include the following additions underlined below.

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT

20.101 *Establishment and Scope.* There is hereby established the Massachusetts Avenue Overlay District which shall be governed by the regulations and procedures specified in this Section 20.100. It is the intent of this section that these regulations will apply to the area described generally as Northern Massachusetts Avenue and certain abutting portions of the neighborhood abutting it.

20.102 *Purpose.* It is the purpose of this Section 20.100 to augment base zoning regulations in the District in order to create a more harmonious and consistent image for the development along the Avenue and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the Avenue, to ensure that changes along the Avenue are compatible with the scale and character of the abutting neighborhoods, to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and to discourage new development inappropriate in both scale and design.

20.103 *Applicability.* The Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established by Section 3.20.

20.103.1 The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of this Section 20.100 which shall apply in addition to regulations imposed by the base zoning map designations. Where the base zoning regulations differ from the requirements of this Section 20.100 the stricter provisions shall apply except where a waiver from those requirements is granted by special permit from the Planning Board under any of the provisions of this Section 20.100.

20.104 *Dimensional Standards in the Massachusetts Avenue Overlay District.*

20.104.1 *Maximum Height.* The maximum height of any structure in the Overlay District shall be sixty (60) feet or the height applicable in the base district, whichever is less.

20.104.2 Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:

1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are three (3) feet or less in depth and further provided that the following conditions are met:

- a. The maximum width of the projection does not exceed six (6) feet in length;
- b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.

20.104.3 Additional Dimensional Standards for Lots Located in both a Business C zoning district and an abutting Residence C-1 or Residence B Zoning District
The provisions of this Section 20.104.3 shall apply to lots held in single ownership as of June 1, 2008 that are located entirely within the Overlay District and shall be granted after the issuance of a special permit from the Planning Board

1. Modification of the Transitional Requirements of Section 5.40. The Planning Board may waive the Front and Side Yard and Height requirements of Section 5.40 for Hotel or Motel Use provided the Board finds that the intended buffering provided by the provisions of Section 5.40 is reasonably provided through other means. The Board shall specifically find the following:

- a. The lot contains a contiguous area that is within the adjoining residential district.
- b. The portion of the lot in the residential district is substantially dedicated to at grade Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000
- c. The portion of the lot dedicated to Open Space provides an adequate transition buffer between any structure constructed in the commercially zoned portion of the lot and adjacent residential uses in the residential district. Such Open Space shall have a minimum depth of twenty (20) feet.

2. Modification of the FAR limitations for a Hotel or Motel Use (Sections 5.30 and 5.33), for a lot located in both a Business C and a Residence B Zoning District. The Planning Board may allow a FAR of 1.60, calculated on the area of the entire lot, in both the Business C and Residence B districts, subject to the following conditions and limitations:

- a. All of the resulting Gross Floor Area will be located on the Business C portion of the lot.
- b. All parking required by this ordinance will be located in a below-grade parking facility.
- c. The at-grade portion of the lot within the Residence B District is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.

d. The additional FAR of 1.60 shall only apply to the first 15,000 square feet of a lot. For portions of the lot greater than 15, 000 square feet the FAR permitted in the applicable base Business C and residential districts shall continue to apply.

e. No preferably preserved significant building, as determined by the Cambridge Historical Commission, is demolished, as set forth in the City of Cambridge Demolition Ordinance #965.

- 20.105** *Restrictions in Required and/or Provided Setbacks.* That area between the principal wall plane of a building and a public street or public park whether required or provided shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, park, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception of access drives to parking facilities located elsewhere on the site and which shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of the relevant public street or open space at the property line unless an exception is granted under the provisions of Section 20.108 of this Section 20.100.

- 20.106** *Use Restrictions.* The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33), but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, meeting the following conditions:
1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;
 2. The use shall have a depth of at least twenty (20) feet;
 3. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.
 4. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106

- 20.106. 1** Accessory Parking and Vehicular Access for Hotel Use. Notwithstanding the provisions of Table 4.30 and Section 6.22., for a lot located in both a Business C and a Residence B zoning district, the Planning Board may grant a Special Permit to allow accessory Hotel or Motel Use

parking within the Residence B District, including vehicular access to the parking facility and loading facility, with the following limitations and conditions:

1. The portion of the lot in the Residence B district is contiguous to the portion of the lot in the BC District.

2. The parking is located in a below-grade parking structure.

3. The at-grade portion of the lot within the Residence B district is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in this Ordinance.

In City Council September 8, 2008.

Passed to be ordained as amended by a yea and nay vote:-

Yeas 8; Nays 1; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury, City Clerk